

Nov 25, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES DEAN CLOUD,

Defendant.

No. 1:19-CR-02032-SMJ-1

ORDER FOLLOWING
ARRAIGNMENT ON THIRD
SUPERSEDING INDICTMENT;
GRANTING IN PART, DENYING
IN PART DEFENDANT'S MOTION
TO ENTER DUE PROCESS
PROTECTION ORDER;
GRANTING DEFENDANT'S
MOTION TO EXPEDITE

ECF Nos. 248, 249

On Monday, November 23, 2020, Defendant was arraigned on the Third Superseding Indictment (ECF No. 242). The Court heard oral argument on Defendant's Motion to Enter Due Process Protection Act Order (ECF No. 248). Defendant appeared in person represented by Lorinda Youngcourt, Jay McEntire, and Jeremy Sporn. Assistant United States Attorney Thomas Hanlon represented the United States.

1 Defendant was advised of, and acknowledged Defendant's rights.

2 Defendant pled not guilty.

3 The Court appointed counsel to represent Defendant (ECF Nos. 25) and
4 addressed detention (ECF No. 14) in previous orders.

5 Defendant is bound over to Judge Salvador Mendoza, Jr. for further
6 proceedings.

7 The Court directs the parties to review the Local Criminal Rules governing
8 discovery and other issues in this case. [http://www.waed.uscourts.gov/court-](http://www.waed.uscourts.gov/court-info/local-rules-and-orders/general-orders)
9 [info/local-rules-and-orders/general-orders](http://www.waed.uscourts.gov/court-info/local-rules-and-orders/general-orders).

10 The Court grants in part, and denies in part, Defendant's Renewed Motion to
11 Enter Due Process Protection Order (**ECF No. 248**), and **grants** Defendant's
12 Motion to Expedite (**ECF No. 249**). Defendant proposes the Court enter an order
13 pursuant to Federal Rule of Criminal Procedure 5(f) containing alternative
14 language drafted by counsel. ECF No. 248 at 11-14. The Government does not
15 oppose Defendant's request the Court give a Rule 5(f) instruction, but does not
16 find the proposed alternative instruction warranted in this matter. At this time, the
17 Court declines to utilize the language proposed by Defendant as it has not been
18 approved by the assigned District Judge or the judges of this District.

19 As required by Fed. R. Crim. P. 5(f), the United States is ordered to produce
20 all exculpatory evidence to the defendant pursuant to *Brady v. Maryland*, 373 U.S.

1 83 (1963), and its progeny. Failing to do so in a timely manner may result in
2 sanctions, including exclusion of evidence or witnesses, adverse jury instructions,
3 dismissal of charges, and contempt proceedings.

4 DATED November 25, 2020

5 s/Mary K. Dimke
6 MARY K. DIMKE
7 UNITED STATES MAGISTRATE JUDGE
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